

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1-10 have been cancelled. Claims 11-22 have been added. Claims 11-22 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §101

On page 3 of the Action, claims 7 and 8 are rejected as being directed to non-statutory subject matter. However, claims 7 and 8 are cancelled herein and, thus, the rejections thereof are considered moot.

REJECTIONS OF CLAIMS 1-10 UNDER 35 U.S.C. §102(e) AS BEING ANTICIPATED BY SASAKI ET AL. (U.S. 2003/0172230)

Claims 1-10 are cancelled herein; however, it is respectfully submitted that new claims 11-22 patentably distinguish over the prior art for the reasons set forth herein.

Sasaki et al. (hereinafter "Sasaki") is directed to solving a problem with a rewritable disc in which the number of times data can be rewritten is limited to about 100 to 1000. Particularly, when the user newly creates, rewrites, or deletes a file for such a limited rewritable disc, data is frequently written in the same area of the disc. (See paragraphs [0017]-[0018]). Accordingly, some defects easily occur on the disc. To solve this problem, Sasaki discloses techniques for avoiding concentration of data rewriting in the same area of the disc. Particularly, Sasaki discloses sequentially moving an AV file area and a basic file structure area from an inner portion to an outer portion of a disc to which the number of times data rewrite is limited, so as to prevent the occurrence of a defect.

On the other hand, the present invention, as recited in new independent claim 11, for example, is directed to backing up data stored in a first virtual storage associated with a source physical storage via a first address correspondence table into a target medium. (See the first, second and third address correspondence tables in Figs. 10-12).

In other words, embodiments of the present invention are characterized by backing up data from a source physical storage (first virtual storage) to a target medium (e.g., a tape) via a backup physical storage (second virtual storage). (See Fig. 9, for example).

In general, a source physical storage (first virtual storage) includes some used areas,

that is, areas having no actual data. The backup physical storage (second virtual storage) is arranged to include only actual data stored in the source physical storage (first virtual storage) suitably for backing up all the actual data in a target medium. This arrangement not only facilitates reduced capacity of the target medium required to back up the data, but also improves backup speed due to inherent advantages of backing up all the actual data.

Therefore, it is respectfully submitted that independent claim 11 patentably distinguishes over the prior art. Independent claims 15 and 19 recited similar features to independent claim 11 and, thus, it is respectfully submitted that independent claims 15 and 19 patentably distinguish over the prior art, for at least the reasons provided above for independent claim 11.

Dependent claims 12-14, 16-18 and 20-22 inherit the patentability of their respective base claim and, thus, it is further submitted that the pending dependent claims also patentably distinguish over the prior art.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: June 13, 2006

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